

Durham Research Online

Deposited in DRO:

05 September 2018

Version of attached file:

Accepted Version

Peer-review status of attached file:

Peer-reviewed

Citation for published item:

Bows, Hannah (2017) 'Researching sexual violence against older people : reflecting on the use of Freedom of Information requests in a feminist study.', *Feminist review.*, 115 (1). pp. 30-45.

Further information on publisher's website:

<https://doi.org/10.1057/s41305-017-0029-z>

Publisher's copyright statement:

This is a post-peer-review, pre-copyedit version of an article published in *Feminist review*. The final authenticated version is available online at: <https://doi.org/10.1057/s41305-017-0029-z>

Additional information:

Use policy

The full-text may be used and/or reproduced, and given to third parties in any format or medium, without prior permission or charge, for personal research or study, educational, or not-for-profit purposes provided that:

- a full bibliographic reference is made to the original source
- a [link](#) is made to the metadata record in DRO
- the full-text is not changed in any way

The full-text must not be sold in any format or medium without the formal permission of the copyright holders.

Please consult the [full DRO policy](#) for further details.

Researching sexual violence against older people – reflecting on the use of Freedom of Information requests in a feminist study

Item type	Article
Authors	Bows, H. (Hannah)
Citation	Bows, H. (2017) 'Researching sexual violence against older people – reflecting on the use of Freedom of Information requests in a feminist study' Feminist Review; Available online: 25 May 2017
Eprint Version	Post-print
Publisher	Palgrave MacMillan
Journal	Feminist Review
Rights	Subject to 12 month embargo, author can archive post-print (ie final draft post-refereeing). For full details see http://www.sherpa.ac.uk/romeo/issn/0141-7789/ [Accessed: 10/10/2016] This version is the authors post-peer-review, pre-copy-edit version.
Downloaded	5-Sep-2018 09:34:33
Link to item	http://hdl.handle.net/10149/620574

Researching sexual violence against older people – reflecting on the use of Freedom of Information requests in a feminist study

Abstract

Domestic and sexual violence research has traditionally been associated with feminist qualitative methodology. However, quantitative methods are increasingly used by feminists in research examining the prevalence and issues related to rape and sexual assault, either as standalone methods or in combination with other, qualitative methods (mixed-methods). Freedom of Information requests are a data collection tool which allow citizens to obtain data held by public authorities in the UK and are particularly useful for uncovering information on marginalised groups who may be difficult to recruit in qualitative research. Whilst they are frequently used by journalists, their potential is yet to be fully realised by social researchers. This paper reflects on the use of Freedom of Information requests in a mixed-method feminist study exploring sexual violence against people aged 60 and over.

Keywords: Freedom of information; feminist research; access to information; sexual violence; mixed-methods; research methods.

Background

Sexual violence is recognised as a serious violation of human rights affecting millions of people worldwide, the majority of whom are women. According to the World Health Organisation, around 35% of women will experience at least one form of sexual violence in their lifetime (WHO, 2013).

The focus of the majority of studies, campaigns, policy and practice developments over the last four decades have been on young women, aged 16-30, who are considered to be the most statistically at risk of becoming a victim of rape or sexual assault (ONS, 2015; Breiding *et al*, 2014). Older women (and men) have been excluded from the majority of feminist and criminological research (Jones and Powell, 2006). Most notably, in England and Wales, the Crime Survey for England and Wales (CSEW) has imposed an upper age limit of 59 on the intimate violence module which collects data on domestic

and sexual victimisation. The exclusion of older women from sexual violence research and discourses has been noted by several commentators (Ball, 2005; Jeary, 2005; Jones and Powell, 2006; Lea *et al*, 2011; Mann *et al*, 2014) however there remains a lack of research and policy attention including those aged 60 and over and there have been few research studies specifically examining sexual violence against older populations.

In the UK, the only study to examine the extent of sexual violence was conducted by Ball and Fowler (2008). The study was based on all recorded sexual offences within a semi-rural English county with a population of approximately 800,000. They analysed all recorded sexual offences over a five-year period (n=1061) and found 3.1% involved victims aged 55 years or more. Internationally, a small number of studies attempting to measure the prevalence of sexual violence against older women have been conducted, mainly in the USA and report rates of between 0.9% (Cannell *et al*, 2014) and 7% (Ramin *et al*, 1992) however the methodology, size of the samples and definitions of older range across these studies, making cross-comparisons difficult.

The purpose of this paper is to outline the methods used to conduct the first national study examining the extent of recorded sexual violence against people aged 60 and over in the UK, which formed the first phase of a larger mixed-methods study. Freedom of Information (FOI) requests were used to gather police recorded data with positive results; 45 out of the 46 UK police forces provided the requested information. This article outlines the positives and challenges of using this method with the central aim of encouraging other feminist researchers to adopt this in future research.

Feminist approaches to understanding sexual violence

Feminist approaches to sexual violence have developed over the last four decades since the second wave women's movement in the late 1960s drew international attention to the widespread incidence of sexual violence against women and girls (Brownmiller, 1975; Kelly, 1988). The feminist analysis of rape and other forms of sexual violence emerged from early criticisms of a range of academic disciplines that were accused of being oblivious to gender (Kelly, 2013).

Feminist scholarship has focused on two key interrelated issues in explaining sexual violence against women. Gender (rather than sex) and power are seen as fundamental in defining, explaining and understanding sexual violence. It is argued that, through the societal subordination of women and simultaneous superiority and advantages that men receive in the patriarchal society, widespread sexual violence against women is enabled. Within this construction, sexual violence is understood as a form of gendered control, whereby men exert their power and control over women as a way of oppressing women and maintaining the patriarchal system which advantages men (Baron and Straus, 1987; Scully, 1990; Daly and Chesney- Lind 1988; Avakame, 1999) focusing on societal and individual causes of rape. One of the primary ways of challenging this is to make it visible and much of the feminist efforts have focused on raising awareness of the extent of sexual violence against women.

Whilst this construction of sexual violence is not limited to women in certain age groups, the vast majority of feminist scholarship and activism in relation to sexual violence has focused on younger women (Whittaker, 1995; Jones and Powell, 2006). Moreover, the majority of research into violence and abuse of older people (usually termed 'elder abuse') has instead been approached from a gerontological perspective where age, rather than gender, is the primary issue. In the context of understanding domestic and sexual violence, prioritising age as the principle factor has been criticised for being oblivious to gender and not acknowledging that the majority of victims of sexual violence are female, whilst the perpetrators are overwhelming male (Whittaker, 1995). Furthermore, the dynamics which characterise much of the sexual violence in younger populations (namely power and control) are argued to be the same in older populations and therefore a distinct analysis of sexual violence based on the age model is argued to be unnecessary and depicts abuse to be, at least partly, the victim's fault for being 'old' (Whittaker, 1995). Despite commentators criticising the application of an age-model to understanding sexual violence and calling for a feminist perspective, there remains a lack of feminist research exploring sexual violence against older people.

Feminist methodological approaches to researching sexual violence

Traditionally, feminist research was associated with qualitative methodology; the early emerging works of Brownmiller (1975), Oakley (1974) and Kelly (1988) established qualitative methods, particularly qualitative interviews, as a method particularly suited to research with women exploring domestic and sexual violence. Despite the differing feminist theories and approaches, the common aim across the strands is the commitment to conducting research for women and, where possible, with women (Ramazanoglu & Holland, 2002). Qualitative interviews have been considered a particularly suitable method of achieving these principles, by empowering women through the research using their own experiences and stories and allowing for reciprocal dialogue between the researcher and participant which removed the traditional hierarchy observed in quantitative methods. However, a range of methods are now seen as suitable for achieving these aims (Oakley, 1999; Westmarland, 2001). Whilst quantitative methods were once largely seen as unsuitable for feminist research because the fundamental principles of objectivity and validity did not allow for the lived experience of women to be at the core of research the quantitative/qualitative divide in feminist research has been challenged over the last two decades (Oakley; 1998; Westmarland, 2001) and increasingly, feminist research utilizes quantitative research, either as a standalone methodology or as part of a mixed-methods approach. As Kelly (2013) points out, for research to be feminist it involves both a theoretical premise and practical commitment to understanding women's oppression, in order to change it. Such a definition allows for more than one theoretical approach and a variety of methods.

There are four key primary advantages to using quantitative methods in feminist research (Miner-Rubino and Jayaratne, 2007). First, quantitative methods such as surveys can introduce social justice issues, such as racism, sexism or ageism, into the mainstream discussion in public policy arenas; second, statistics and numbers can be more concise and therefore can be easier to remember and communicate to others; third, quantitative methods can be useful in identifying patterns in women's oppression which can then be used to inform policy and social change; finally, methods such as surveys

can access large numbers of people and can therefore potentially represent a wider population from multiple perspectives (Miner-Rubino and Jayaratne, 2007).

However, whilst quantitative methods can provide the 'bigger picture' of social problems, qualitative methods are more suited to telling the 'personal story', and increasingly social researchers, including feminists, have been realizing the benefits of mixing quantitative with qualitative methods (Hodgkin, 2008). Combining methods such as questionnaires with interviews allows feminist criminological researchers to examine the *extent* of violence as well as the *lived experiences* of those who have been a victim. Freedom of Information requests are a method of obtaining quantitative data but to date have not been utilised in feminist research either as a standalone method or in combination with other methods.

Freedom of Information requests in social research

Internationally, legislation and policy governing access to information is not a new development; Walby & Larsen (2012) point out that Sweden's Freedom of the Press Act of 1766 is the oldest existing form of access law and the 'global trend' of openness has seen a significant increase in the adoption of FOI laws across the world (Byrne, 2003) with more than 80 countries adopting some provisions providing citizens with the right to access information in 2006 (Banisar, 2006).

In the UK, the two pieces of legislation governing access to information are the Freedom of Information Act 2000 (England, Wales and Northern Ireland) and the Freedom of Information Act 2002 (Scotland). Under these acts, individuals and organisations are able to make requests for data held by public authorities. Importantly, applicants do not need to be citizens or residents in the UK to make a request (Lee, 2005). Public authorities include a range of organisations and institutions, including government departments, local councils, health service bodies (including the National Health Service), schools, colleges, universities, police forces and associated authorities and the armed forces. Requests must be made in writing (email is accepted) and the authorities have a 20 working day timeframe

within which to respond, either with the requested information or with a refusal, based on one of the exemptions contained in the acts.

Authorities must provide the requested data in full (section 10), and wherever possible, in the format requested, unless it falls within one of the exemptions contained in the act. As such, there is a positive obligation on the authority to release the data requested, and that is the starting point of the legislation. However, there are twenty-three exemptions in total, broadly categorised as 'absolute' and 'non-absolute' and these can create something of a tangled web that researchers must navigate in order to use the legislation to gain access. There are six absolute exemptions which relate primarily to information which is already available or which is prohibited by another piece of legislation, information relating to security matters and information held by courts. For these absolute exemptions, there is no requirement to apply the public benefit test, however, the remaining 17 non-absolute exemptions, a public benefit test must be applied, which seeks to assess the balance of the public interest for and against disclosure. If an authority refuses to release the requested information because it believes it to be exempt, it must provide the applicant with the reasons for this and inform them of the right to complain to the Information Commissioner who regulates the Acts. As such, despite the positive obligation on public authorities to release information which is, by virtue, considered public information, those working in FOI teams or roles act as gatekeepers to the information and the broad range of exemptions can provide a basis for refusal of the information in a multitude of situations. These issues are discussed in detail further on in this paper, with particular reference to negotiating with gatekeepers.

The acts have proven to be a useful tool for individual citizens and journalists. According to the Ministry of Justice (2008) there were over 30,000 requests per year to central government bodies alone and the majority came from members of the general public (Brown, 2009). An analysis of news stories in 2006 and 2007 revealed over 1,000 stories were based on results from FOI disclosures (Campaign for Freedom, 2008 in Brown, 2009). Interestingly, many of these news stories were based

on criminal justice issues, yet criminologists have been slow to utilise the act for criminal justice data or information relating to their own research. Brown (2009, p.89) points out that many universities 'offer training from a compliance perspective on how university staff should respond to FOI requests, but fail to provide any training on how academic researchers can use the tool to obtain information'. FOI is thus seen as something to protect against rather than a resource.

It has been argued that social researchers use a relatively narrow range of data collection techniques (Lee, 2005) and the need to find innovative methods has been of increasing importance in social science and related disciplines. Despite the comparably widespread use of FOI in other jurisdictions, social scientists, and criminologists in particular, have not utilised FOI requests. In respect of sexual violence, no studies were found that employed FOI requests and researchers in other fields using this approach rarely discuss it in their methodological literature, with a few exceptions mainly emerging from medical and health disciplines (Murray, 2013; Farrukh & Mayberry, 2015 for a review see Fowler *et al*, 2013).

The study

Given the lack of research on sexual violence among older populations, in particular a lack of data on the extent or prevalence of sexual violence victimisation among people aged 60 or over because of the age cap on the CSEW, the present research set out to develop a detailed study of sexual violence against people aged 60 and over in the UK. In order to examine the incidence of sexual violence against older people, freedom of information (FOI) requests were used as a way of gaining information from police forces across the UK on the number of recorded serious sexual offences (rape/assault by penetration) from 1st January 2009 to 31st December 2013 involving a victim aged 60 or over at the time of the offence. These offences were selected because they are the most serious sexual offences and because asking for data on all sexual offences may have made the study too broad and therefore more likely to be refused under the exemptions within the FOI Act because it exceeded the time/cost allowed within the Act. However, this does limit the study to these specific offences only.

As well as the number of recorded offences, demographic data relating to the victim, perpetrator and incident was requested. All of the data was pseudonymised and approval for the research was given by the [anonymised for peer review] Ethics Committee.

However, because of the limitations of police recorded data (Thomson, 2010) and the high levels of underreporting of sexual offences (ONS, 2015) which may be higher for older groups (Blood, 2004; Burgess & Clements, 2006) interviews were also conducted with practitioners who were asked about the number of older victims they had supported over the same five-year period and their experiences of supporting older victims. Qualitative interviews were also conducted with female victim-survivors to document their experiences, in their own words, to highlight not only the incidence of sexual violence but also the impacts and support needs of older people. Thus, this study utilized mixed-methods (both quantitative and qualitative) to examine a range of factors relating to sexual violence against older people.

Following a pilot with five forces to test the data collection tools, FOI requests were sent out to all forty-six forces in the UK. The requests were based on two questionnaires, which were designed with a pilot force. The first questionnaire asked about: the number of recorded section 1 and section 2 forces between 1st January 2009 and 31st December 2013, broken down by year (i.e. 1st January 2009 to 31st December 2009) and offence type; and the proportion of those cases involving a victim aged 60 or over at the time the offence was committed, broken down by year and offence type. The second questionnaire asked for demographic data for each case involving a victim aged 60 or over at the time. The questionnaire asked for the following specific data: the type of offence and year it was reported; the age of the victim and perpetrator; the ethnicity of the victim and perpetrator; the relationship between the victim and perpetrator; the location of the offence; whether the crime was linked to any other crime; whether the perpetrator was a known serial offender. For the requested data on the ages, relationship, and location variables, pre-defined categories were provided, for example in the

relationship variable, broad categories such as ‘partner or husband/wife’ and ‘friend’ were used. The data findings have been published in (anonymised for review).

Theoretical and methodological approach

A mixed-method approach was particularly appropriate for this study which sought to examine a number of issues (extent, nature, impacts, support needs and gaps in services), drawing on both feminist and gerontology theory to inform the research. It has already been highlighted that feminist research on sexual violence has tended to focus on younger women, typically aged 16-30. Furthermore, gerontology research has examined other forms of abuse (physical, emotional, financial) under the ‘elder abuse’ paradigm but much of this research has failed to examine sexual violence. Feminist research has therefore been criticized for not taking into account ‘age’ (Jones and Powell, 2006); it has been argued that ‘historically, academic feminism has paid scant attention to ageism, to age relationships or to old age itself’ (Freixas et al, 2012, p.45), whilst gerontology has been criticized for being oblivious to gender (Whittaker, 1995). A feminist gerontology approach to this research was thus particularly appropriate, combining the central tenets of both feminist and gerontology theories. Feminist gerontology is grounded in feminist theory and critical gerontology, focusing on power relations and intersecting oppressions across the life course (Hooyman *et al*, 2002). Analyses that incorporate a feminist perspective broaden our understanding of aging, moving beyond a singular focus on gender to a broader focus on multiple aspects of diversity, including privilege, inequality, and interdependence (Hooyman *et al*, 2002, p.3). Gender is inextricably bound up with other social inequalities such as age, race, ethnicity, sexuality and class. As Calastani (2004, s306) points out, ‘each of these hierarchies comprises power relations in which the privilege of one group is tied, intentionally or not, to the oppression of another. These power relations privilege men—give them an unearned advantage—while they disadvantage women, even as people resist and reformulate seemingly “natural” gender differences and gender meanings’.

As this was a feminist study which sought to examine sexual violence against both men and women, feminist gerontology was particularly useful as a theoretical framework. As Calastani (2004) argues, feminist gerontology 'challenges mainstream scholarship for not naming men as men and thus enables us to theorize gender relations: the power relations that construct the interdependent categories man and woman.' (s305) Moreover, this perspective 'sensitizes us to other power relations such as age relations and is appropriate for studying both female and male victims of sexual violence, even though women are the majority of victims'. (s305).

FOI requests were particularly appropriate for researching sexual violence against older people. As well as the lack of research attention in feminist and gerontology fields, and the exclusion of older respondents in the CSEW intimate violence module, one of the major limitations of existing surveys examining abuse of older people is that they exclude respondents who living in care/nursing homes or hospitals. This is particularly problematic as those living in such environments may be more vulnerable to experiencing sexual, or other form, or violence. By using FOI requests to police forces, all reported incidences, regardless of the location of the assault, could be captured. Moreover, using FOI requests may be useful when researching issues related to old age where the population may be too ill, or deceased, to participate in interviews, as FOI allows access to data retrospectively. Similarly, where the number of interviews is likely to be small, FOI requests can assist in providing further detail, or background information, to support interview findings. For the present study, the data collected on the gender and age of victims and perpetrators, and relationship between victims and perpetrators were particularly useful as practitioners had seen so few cases that such variables would not have been possible to analyse.

Managing responses

Forty-three forces provided some or all of the requested data, a response rate of 93%. This is slightly higher than has been reported in other studies utilising FOI requests (Murray, 2012). One force (Scotland) did not comply on the basis of the size of their recently integrated size and their previous

recording methods, discussed below. Two forces did not comply with the FOI request, but follow up emails via personal contacts with senior officers resulted in the data being provided directly rather than via the FOI route. Therefore, the total response rate was 45 out of 46 forces (98%).

The majority of forces (36) responded fully within 28-40 days of acknowledging receipt of the request. A small number of forces emailed asking for clarification on the terms used in the request. For example, two forces asked what was meant by the question 'was the rape (section 1 Sexual Offences Act 2003) or sexual assault by penetration (section 2 Sexual Offences Act 2003) linked to any other offence'. The forces stated they were unsure what was meant by 'any other offence' and asked for examples. On reflection, this question was quite vague, but was intended to examine whether other offences such as burglary, theft, or assault offences occurred at the same time as the sexual offence. This highlights the need to consider the terms used when drafting FOI requests and providing detail on what is meant by the question you are asking. A pilot of the request was initially carried out with five forces who helped to identify potential issues with the wording and format of the request, however issues such as the lack of clarity in this question still arose.

A number of forces initially exercised the right to refuse the request because it exceeded the time/cost allowed under section 12 of the Freedom of Information Act, however in these cases forces gave most of the data and left one or two variables out (for example, one force provided all of the data other than the 'relationship between victim and perpetrator' variable). In some cases, further discussions with the FOI team led to the information being released; this exemption is 'non-absolute' and as a result the force are required to apply the public interest test. Through discussions with the individual forces about the need for this research and, on some occasions, promising to provide them with an overview of the findings, access was granted. However, a very small number of forces initially refused to provide the data altogether, or provided only the total number of recorded offences and the proportion involving a victim aged 60 or over. For those refusing, the reasons were usually based on the section 12 (cost/time) exemption or section 40 (identifying an individual). For example, one force

had only received one report of rape involving a victim aged 60 or over and thus providing information on the victim and perpetrator age, relationship, ethnicity and so on may have compromised the anonymity of the victim. For those refusing on the section 12 grounds, these were challenged successfully by highlighting to forces the other, often larger, forces who had provided the data within the time/cost allowed under the act or by negotiating on how the data was presented. For example, some forces agreed to send the data of all the cases involving an older victim which meant the researcher had to analyse the variables. Others asked to provide the data in more aggregated ways, for example giving the total number of victims in each age group, the total number under each relationship category and so on. This was particularly the case where victim or perpetrator's identity might be compromised by providing individual level data for each case. This is considered in more detail below.

One force (Scotland) could not provide the requested data because the previously independent Scottish forces had recently merged into a single, central force and the process of transferring all of the data from the various databases to a single database had not taken place. Thus, the information requested was not retrievable in the time allowed under the act.

One force completely refused to provide the individual data, based on the time/cost exemption, instead providing the overall number of recorded offences but no data on the variables requested. Due to the size of the force, which was considerably larger than the other forces who had refused, they stated they could not provide the data within 18 hours. Another force kept promising the data, but after six months had still not provided it despite numerous telephone calls and email exchanges with the FOI team. In both of these cases, the data was obtained by using existing connections and networks in the forces. This highlights the limitation of FOI in social research where the organization can rely on the section 12 exemption, either because of the size of the data requested or the databases/methods of retrieving the information utilized by the organization. This can lead to inconsistency, particular in the police where there is no single database used by all forces and

therefore a lack of consistency in relation to how feasible it is to obtain the information within the 18-hour timeframe. Moreover, this may be a particular challenge for early-career researchers who may not have existing contacts or networks they can rely on to get the data outside of the FOI request.

Public authorities, in this case police forces, act as 'gatekeepers' to what is, *prima facie*, public information but which has not previously been published to the general public. Issues associated with negotiating gatekeepers in research have been well documented. Gatekeepers are defined as 'individuals in an organisation who have the power to withhold access to people or situations for the purposes of research' (Sanghera & Thapar-Bjorkert, 2008, p.549). Most of the existing research discusses issues relating to gatekeepers in qualitative research, specifically in negotiating access to research participants who are often, particularly in feminist research, from marginalised groups (Fielding, 2001; Wiles *et al*, 2005; Heath *et al*, 2004; Sanghera & Thapar-Bjorkert, 2008). There is significantly less literature dealing with gatekeepers in quantitative research. In the present study, FOI teams acted as gatekeepers to the data being requested. Whilst in the majority of cases the data was provided within the time allocated within the Act and in full, a number of gatekeepers had to be negotiated with to provide access, particularly as the majority of refusals were based on the section 12 cost/time exemption which is non-absolute, thus requiring the gatekeeper to assess whether the release of information is in the public interest. In this sense, the exemptions provided both a barrier and opportunity for the researcher. Whilst initially it was a barrier that some forces relied on to refuse the disclosure of the request, the built in public interest test allowed the researcher to discuss the need for the research and potential benefits which in the majority of cases was enough to persuade the gatekeeper to release part, or all, of the data. However, this highlights the inconsistency in the way information is released under FOI requests and the limitations of the FOI which intended to remove the need to jump through hoops to gain access to public information.

FOI requests and feminist ethical considerations

Given the relatively small number of cases recorded by each police force, it was critical that the anonymity of victims was protected. One of the guiding feminist ethical principles is to ensure research *does no harm* to women and actively seeks to protect women's anonymity. Anonymous data was requested from the forces in the FOI requests and categories were used where possible to reduce the risk of victims or perpetrators being identifiable; for example, rather than asking for a specific age of the victim and perpetrator, forces were asked to indicate which age group (60-69, 70-79 and so on) victims fell into and which age group (under 16, 17-19, 20-29 and so on) perpetrators fell into. FOI requests proved useful in achieving the core feminist and social research ethical aims for a number of reasons.

First, the legislation governing freedom of information in the UK provides a number of exemptions where requested information falls outside the scope of the general duty requiring public bodies to disclose requested data. The first exemption relevant to anonymity is found under section 40 of the FOI Act 2000 (England, Wales and Northern Ireland) and section 38 of the Freedom of Information Act 2002 (Scotland). Under these sections, any requests for data relating to 'personal information' are exempt from disclosure. Thus, any personal information requested about individuals that would contravene existing data protection principles or would be likely to cause damage or distress is not considered appropriate for disclosure in FOI requests. Furthermore, under section 30 of the FOI 2000 and section 32 of the FOI Act 2002, any information held by the authority is exempt if it has at any time been held for the purposes of an investigation which the public authority has to conduct in order to establish whether a person should be charged with an offence or whether a person charged with an offence is guilty of it. These sections therefore cover information held by criminal justice agencies. Finally, under the FOI Act 2000 and 2002, section 41 and 36 makes any information that would constitute a breach of confidence is also exempt.

These exceptions and the subsequent public benefit test applied to non-absolute exemptions act as an internal ethical evaluation by which the public authority assesses whether the information requested is likely to harm any individual involved in a sexual violence case (which includes both the victim and the perpetrator) whether there is a risk to personal information being identified and whether this would constitute a breach of confidentiality, and finally whether the requested information is likely to damage any ongoing investigations. With these risks in mind, the public authority is then required to consider the wider potential benefits of the requested information being made public.

This process is in addition to the ethical procedures which the majority of social researchers have to adhere to. Most institutions have their own ethical boards which assess proposed research before it is conducted; similarly, most academic disciplines have their own boards which have their own codes of ethics. For example, the British Society of Criminology specifically state that researchers should strive to protect the privacy of those they research and must work within the confines of current legislation relating to privacy and confidentiality, data protection and human rights. Furthermore, the code of ethics states researchers should not breach the duty of confidentiality and should not pass identifiable data to third parties without the participant's consent (BSC, 2015).

Given that the fundamental underlying commitments in feminist research is to conduct research for the benefit of women which seeks to *do no harm* and to protect the anonymity and confidentiality of women, FOI requests can be a useful method in achieving these principles whilst also conducting research which gains access to previously unknown information which helps to develop the understandings of violence against women.

However, whilst the internal checks and exemptions contained within the act provide additional safety measures which can be beneficial in terms of protecting individuals, and information, which could cause harm to the people the data relates to, there is also the potential for these to act as a barrier for researchers seeking sensitive information held by these authorities, as discussed earlier in this article. This highlights the need for researchers to be flexible when requesting information from public

authorities and be prepared to work with forces in order to find ways of the data being disclosed without compromising the individuals' information.

Informing qualitative interviews

The use of FOI requests in this study was particularly beneficial as it helped inform the qualitative interviews which followed. The approach of combining quantitative and qualitative methods in feminist research has been encouraged by feminists (Oakley, 1999; Shapiro, Setterlund & Cragg, 2003) as they have the potential to give a more powerful voice to women's experiences (Hodgkin, 2008) and it increases the likelihood of researchers understanding what they are studying and their ability to persuade others of the credibility of the research (Reinharz, 1992). Whilst there have been some concerns about the incompatibility of qualitative and quantitative paradigms (Bryman, 2006; Kidder and Fine, 1987) a sequential approach can overcome these issues because the data collection methods involve 'collecting data in an iterative process whereby the data collected in one phase contribute to data collected in the next' (Driscoll *et al*, 2007, p.21). This is particularly useful where there are different methods used for different elements of the study and there is a multi-research rather than mixed-methods approach.

The data gained through the FOI requests was used to inform the interview schedule with practitioners and older women victims of sexual violence in a number of ways. First, the total number of recorded offences involving an older victim was stated to practitioners at the beginning of the interview when they were asked *'how many women/men aged 60 or over have you seen in the last five years who have come to see you about a recent (not historic) rape or serious sexual assault?'* Most of the practitioner's organisations had seen very few people in this age group disclosing recent sexual violence and this figure was useful in making comparisons between the police recorded number, and the number held by support organisations. This figure was also useful for asking practitioners *'do you think older people are more or less likely than younger people to access rape support services?'* as it allowed practitioners to use their own experience of working with older people but compare it to the

number reporting abuse over the same period to their local police force (figures from the force area in the same geographical area as the support organisation were cited to help practitioners contextualize the number of older victims they had supported compared to the number reporting to the police).

The demographic information gained from the FOI requests was also useful in informing the interviews and drawing comparisons between the recorded offences and the older victims that practitioners had seen. For example, 67 (12%) of cases recorded by the police involved rapes or assault by penetration offences perpetrated by carers, whereas only a couple of practitioners had experience of supporting a victim who had been raped by a carer. Similarly, whilst the second more common relationship in reported cases involved a husband or partner perpetrator (20%), practitioners had very rarely supported women who had experienced this. Instead, the majority of women coming forward for support had been assaulted by acquaintances or strangers. It would therefore appear that the older people reporting sexual violence to the police are not necessarily the same people accessing support services. The data gained through the FOI requests has helped to identify a gap; whilst the majority of practitioners stated in the interviews that they felt older people would be less likely to access rape support services than younger victims, all were surprised by the number of recorded crimes compared to the number of victims they had seen over the same period. As a result, several practitioners said they were going to explore how they could increase engagement in their services by older people. This links to another commitment of feminist research – conducting research on women, *for women*, which has a practical impact on the issue being explored by influencing policy and/or practice developments (Sarantakos, 2012).

FOI requests can therefore serve as a useful tool to uncover initial information about an unknown phenomenon which can then be used to inform interview schedules. Without understanding the demographics and contexts of victims who had reported to the police it would have been impossible

to contextualize the experiences of victims who had accessed support agencies. Furthermore, the data collected through FOI requests highlighted some of the methodological weaknesses in interview data, particularly when researching marginalized groups. The small number of older people accessing the sexual violence organisations (typically less than 5 over the previous five-year period) would have made it challenging to draw out any themes, however the quantitative data allowed comparisons to be drawn between the 655 cases reported to the police and the 100 or so described by practitioners. Practitioners admitted having little experience of supporting older people and several asked for the information gathered from the FOI requests to use in future campaigns or funding bids. However, the depth of the data on the short and long-term impacts of sexual violence on older people, the challenges they face in accessing support and reporting to the police, would not have been possible through an FOI request; much of this information came from the open-ended questions asked during interview and the subsequent probing to uncover further detail. Thus, both the data gained from FOI requests and that gained from the interviews provided useful insights into different factors relating to sexual violence against older people and highlights the benefits of using mixed-method approaches to provide the 'bigger picture' and 'personal story'.

Moving beyond research – FOI requests and feminist activism

The potential for FOI requests stretches beyond academic research to feminist support organisations and activists, however both academics and feminist organisations have been slow to take advantage. However, the potential has already been realised by other campaigners – for example, activists working in the area of animal rights have used requests to force universities to reveal details about animal experiments (Adam, 2015). This has then been used to campaign for better rights for animals and to lobby for policy change. However, there are limitations on the organisations which are defined as 'public' for the purposes of the FOI legislation; charities, third sector organisations and private organisations are not usually subject to the duty to provide data. Thus, information held by private organisations who have been contracted out by public authorities may not fall within the scope of the

act and researchers, campaigners and citizens wishing to access data should be mindful of these restrictions. Furthermore, citizens who do obtain information from the public authority in any context should be aware that the information becomes 'public' once it is released to the applicant and often the response from the authority is published online. Thus, any information provided to the applicant is usually made available to general members of the public who can use it for their own purposes.

However, this research demonstrates how FOI requests can help develop policy and practice. The data collected in this research has already been shared with sexual violence and age-related organisations and has helped to initiate relationships between these two organisations at a local level. Moreover, the data is being used by organisations in current funding bids for local projects.

Conclusion

The use of FOI requests in academic research has been under-recognised in academic research. Despite recent publications highlighting the potential usefulness of FOI requests (Brown, 2009; Savage and Hyde, 2014) and commenting on the lack of academic utilisation, research adopting FOI requests as a methodological tool remains scarce. Furthermore, to date there has been no published feminist research which have adopted FOI requests as a method.

This reflective paper has highlighted some of the strengths of using FOI requests as part of a mixed-method feminist study. In particular, the access to data held by the forces would have been a much more difficult process without the use of FOI. Furthermore, as the group being researched may be considered hard to reach, due to a lack of existing engagement with sexual violence services and an increased chance that they will be living in institutions such as care homes which are not routinely included in research, FOI requests are a tool for gathering data on such populations. Accessing this data enabled the research to get a national picture of recorded serious sexual offences involving an older victim and this was particularly useful for informing the qualitative interviews which followed in the second and third phase of the study. The benefits of this sequential approach to mixing methods

has been highlighted elsewhere (e.g. Driscoll *et al*, 2007) and it proved to very useful strategy in this present study.

Design of requests is critical. A lack of clarity around the data being requested or terms used can cause delays in the data being provided or, even worse, can result in refusals to provide data or the wrong data being provided. In particular, it is important that researchers are aware of the language and terminology used by the authority from whom they are requesting data. For feminists, this may go against the terminology they would usually use, however in this context it is important to be consistent with the language used by the authority. It is therefore recommended that those seeking to use FOI requests gain feedback on the requests at the design stage, ideally by a willing public authority who falls within the class of those who will receive the final request, to provide comments and suggestions and mitigate potential issues. Similarly, those working in university FOI departments may be able to provide guidance to academics and researchers on the design.

The additional scrutiny which is required by law before any data by public authorities can be released under an FOI request provides further ethical protection and is beneficial for researchers who seek to adhere to basic ethical principles of doing no harm and ensuring the confidentiality of those who are being researched. For feminist researchers who are often researching sensitive topics such as domestic and sexual violence, this may be particularly helpful in supporting ethics applications made to their institution's board and for ensuring the research protects the anonymity of those being researched.

However, whilst the data held by public authorities is *prima facie* public information, the FOI does not provide unrestricted access to such information and researchers may find they have to negotiate with gatekeepers, as in other research projects, for the information to be released. The exemptions within the act can create something of a tangled web that researchers must navigate. However, the public interest test that public authorities must apply to the majority of exemptions when considering whether to refuse a request provide the researcher with an opportunity to work with the authority to

emphasise the importance of the research and to why this may therefore be in the public interest. If requests are refused, there is an appeals process, however this can be lengthy and there is no guarantee an appeal will be found in your favour. Therefore, as noted elsewhere (Lee, 2005; Savage and Hyde, 2014) it may be unfeasible or undesirable for researchers to appeal, particularly if they are on tight timescales for the research projects. However, being aware that some requests may be refused, in part or full, and building time into a project to allow for this at the initial development stages may be useful for researchers seeking high response rates.

7,273 words

13th Feb 2016

References

Adam, D., 2015. Animal rights activist using FOI laws to target universities. The Guardian, 15 March 2015. Available at: <http://www.theguardian.com/science/2010/mar/15/animal-rights-freedom-information-universities>.

Avakame, E.F., 1999. *Females' labor force participation and intimate femicide: An empirical assessment of the backlash hypothesis*. *Violence and Victims*, 14(3), p.277-291.

Baker, M. W., Sugar, N. F., and Eckert, L. O., 2009. Sexual assault of older women: Risk and vulnerability by living arrangement. *Sexuality Research and Social Policy Journal*, 6(4), pp.79-87.

Ball, H. N., 2005. Sexual offending on elderly women: A review. *Journal of Forensic Psychiatry & Psychology*, 16(1), pp.127-138.

Ball, H.N., and Fowler, D., 2008. Sexual offending against older female victims: An empirical study of the prevalence and characteristics of recorded offences in a semi-rural English county. *The Journal of Forensic Psychiatry & Psychology*, 19(1), pp.14-32.

Banisar, D. (2006). Freedom of information around the world 2006: A global survey of access to government information laws. London, UK: Privacy International. Retrieved February 1, 2010, from <http://www.privacyinternational.org/foi/foisurvey2006.pdf>.

Baron, L. and Straus, M., 1987. Four theories of rape: A macrosociological analysis. *Social Problems*, 34(5), pp.467-488.

Blood, I., 2004. Older women and domestic violence. London: Help the Aged.

Brownmiller, S., 1975. *Against our will: Men, women and rape*. Open Road Media.

Bonomi, A. E., Thompson, R. S., Anderson, M., Reid, R. J., Carrell, D., Dimer, J. A., and Rivara, F. P., 2006. Intimate partner violence and women's physical, mental, and social functioning. *American journal of preventive medicine*, 30(6), pp.458-466.

Breiding, M. J., Smith, S. G., Basile, K. C., Walters, M. L., Chen, J., and Merrick, M. T., 2014. Prevalence and characteristics of sexual violence, stalking, and intimate partner violence victimization-national intimate partner and sexual violence survey, United States, 2011. *Morbidity and mortality weekly report. Surveillance summaries (Washington, DC: 2002)*, 63, pp.1-18.

British Society of Criminology (2015) *BRITISH SOCIETY of CRIMINOLOGY STATEMENT of ETHICS*. London: BSC.

Brown, K.J., 2009. COUNTERBLAST: Freedom of information as a research tool: Realising its potential. *The Howard Journal of Criminal Justice*, 48(1), pp.88-91.

Bryman, A., 2006. Integrating quantitative and qualitative research: how is it done? *Qualitative research*, 6(1), pp.97-113.

Burgess, A. W., Dowdell, E. B., and Brown, K., 2000. The elderly rape victim: Stereotypes, perpetrators, and implications for practice. *Journal of Emergency nursing*, 26(5), pp.516-518.

Burgess, A., and Clements, P., 2006. Information processing of sexual abuse in elders. *Journal of Forensic Nursing*, 2(3), pp.113-120.

Burgess, A. W. and Morgenbesser, L. I., 2005. Sexual violence and seniors, *Brief treatment and crisis intervention*, 5(2), 193.

Burgess, A., Ramsey-Klawnsnik, H., and Gregorian, S., 2008. Comparing routes of reporting in elder sexual abuse cases. *Journal of Elder Abuse and Neglect*, 20, pp.336-352.

Byrne, M. (2003). Freedom of information in the post-communist world. *Problems of Post-Communism*, 50 (2), 56.

Calasanti, T. (2004). Feminist gerontology and old men. *The Journals of Gerontology Series B: Psychological Sciences and Social Sciences*, 59(6), S305-S314.

Campbell, R. and Wasco, S. M., 2000, Feminist approaches to social science: Epistemological and methodological tenets. *American journal of community psychology*, 28(6), pp.773-791.

Cannell, M. B., Manini, T., Spence-Almaguer, E., Maldonado-Molina, M., & Andresen, E. M., 2014. US population estimates and correlates of sexual abuse of community-dwelling older adults. *Journal of elder abuse & neglect*, 26(4), 398-413.

Chen, L.P., Murad, M.H., Paras, M.L., Colbenson, K.M., Sattler, A.L., Goranson, E.N., Elamin, M.B.M Seime, R.J., Shinozaki, G., Prokop, L.J. and Zirakzadeh, A., 2010. Sexual abuse and lifetime diagnosis of psychiatric disorders: Systematic review and meta-analysis, *Mayo Clinic Proceedings*, 85(7), pp.618-629.

Crenshaw, K.W., 1991. Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Rev*, 43, pp.1241–1299.

Daly, K. and Chesney-Lind, M., 1988. Feminism and Criminology, *Justice Quarterly*, 5(4), pp.497-538.

Davis, L.J., and Brody, F.M., 1979. Rape and older women: A guide to prevention and protection . Washington, D.C.: Government Printing Office.

Driscoll, D. L., Appiah-Yeboah, A., Salib, P., and Rupert, D. J., 2007. Merging qualitative and quantitative data in mixed methods research: How to and why not. *Ecological and Environmental Anthropology*, 3(1), pp.19-28.

Dubrow, J., 2013. Why Should We Account for Intersectionality in Quantitative Analysis of Survey Data? In Kallenberg, V., Meyer, J. and Muller, J. (eds). *Intersectionality und Kritik*. Wiesbaden: Springer Fachmedien, pp.161-177.

Farrukh, A., and Mayberry, J. F., 2015. Ethnic variations in the provision of biologic therapy for Crohn's disease: a Freedom of Information study. *Medico-Legal Journal*, 83(2), pp.104-8.

Fisher, B. S., and Regan, S. L., 2006. The extent and frequency of abuse in the lives of older women and their relationship with health outcomes. *The Gerontologist*, 46(2), pp.200-209.

Fletcher, P., 1977. *Criminal victimization of elderly women—A look at sexual assault*. Syracuse, NY: Rape Crisis Center of Syracuse.

Fonow, M., and Cook, J., 2005. Feminist methodology: New applications in the academy and public policy. *Signs*, 30(4), pp.2211–2236.

Fowler, A. J., Agha, R. A., Camm, C. F., and Littlejohns, P., 2013. The UK Freedom of Information Act (2000) in healthcare research: a systematic review. *BMJ open*, 3(11), pp.1-7.

Groth, A.N., 1978. The older rape victim and her assailant. *Journal of Geriatric Psychiatry*, 1, pp.203-215.

Hazell, R., Bourke, G., and Worthy, B., 2012. Open House? Freedom of Information and Its Impact on the UK Parliament. *Public Administration*, 90(4), pp.901-921.

Hicks, D., 1976. Medical treatment for the victim: The development of a rape treatment center. In M. Walker and S. Brodsky, eds. *Sexual assault*. Lexington, MA: Lexington Books, pp. 53-59.

Hodgkin, S., 2008. Telling It All A Story of Women's Social Capital Using a Mixed Methods Approach. *Journal of mixed methods research*, 2(4), pp.296-316.

Holt, M. G., 1993. Elder sexual abuse in Britain: Preliminary findings. *Journal of Elder Abuse & Neglect*, 5(2), pp.63-71.

hooks, b., 1981. *Ain't I a woman? Black women and feminism*. Boston, MA: South End Press.

Jeary, K., 2005. Sexual abuse and sexual offending against elderly people: A focus on perpetrators and victims. *The Journal of Forensic Psychiatry & Psychology*, 16(2), pp.328-343.

Jones, H., and Powell, J., 2006. Old age, vulnerability and sexual violence: implications for knowledge and practice. *International Nursing Review*, 53, 211-216.

Kelly, L., 1988. *Surviving Sexual Violence*. Polity Press.

Kelly, L., 2013. *Surviving Sexual Violence*. Polity Press.

Kidder, L. H., and Fine, M., 1987. Qualitative and quantitative methods: When stories converge. *New directions for program evaluation*, 1987(35), pp.57-75.

Lea, S. J., Hunt, L. and Shaw, S., 2011. Sexual assault of older women by strangers, *Journal of interpersonal violence*, 26(11), pp.2303-2320.

Lee, R.M., 2005. The UK Freedom of Information Act and social research, *International Journal of Social Research Methodology*, 8(1), pp.1–18.

Liamputtong, P., 2007. *Researching the vulnerable: A guide to sensitive research methods*, Sage.

Macdonald, J. M., 1971. *Rape offenders and their victims*. Springfield, IL: Thomas.

Machado, C.L., de Azevedo, R.C.S., Facuri, C.O., Vieira, M-J.N. and Fernandes, A-M.S., 2011. Posttraumatic stress disorder, depression, and hopelessness in women who are victims of sexual violence, *International Journal of Gynaecology and Obstetrics*, 113, pp.58-62.

Mann, R., Horsley, P., Barrett, C. and Tinny, J., 2014. *Norma's Project: A Research Study into the Sexual Assault of Older Women in Australia*, Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University.

Mardorossian, C. M., 2014. *Framing the Rape Victim: Gender and Agency Reconsidered*. Rutgers University Press.

Miner-Rubino, K. and Jayaratne, T. E., 2007. Feminist Survey Research. In S.Hesse-Biber and P.Leavy, eds. *Feminist Research Practice: A Primer*. Sage Publications.

Mouton C,P., 2003. *Intimate partner violence and health status among older women*. *Violence Against Women*. 9(12), pp.1465–1477.

Murray, C., 2012. Sport in care: Using freedom of information requests to elicit data about looked after children's involvement in physical activity. *British Journal of Social Work*, 45(5), pp.1-17.

Naughton, C., Drennan, J., Lyons, I., Lafferty, A., Treacy, M., Phelan, A., O'Loughlin, A., and Delaney, L., 2011. Elder abuse and neglect in Ireland: results from a national prevalence survey. *Age and Ageing*, 41, pp.98-103.

Oakley, A., 1974. *The Sociology of Housework*. London: Martin Robertson.

Oakley, A., 1998. Gender, methodology and people's ways of knowing: some problems with feminism and the paradigm debate in social science. *Sociology*, 32(4), pp.707-731.

Oakley, A., 1999. Peoples way of knowing: gender and methodology. In Hood, S., Mayall, B., and Oliver, S. eds. *Critical issues in social research*. Open University Press, pp.154-170.

O'Keeffe, M., Hills, A., Doyle, M., McCreddie, C., Scholes, S.m Constantine, R., Tinker, A., Manthorpe, S.B., and Erens, B., 2007. UK Study of Abuse and Neglect of Older People

Prevalence Survey Report. London: Comic Relief and the Department of Health.

Office of National Statistics (2015). Focus on Violent Crime and Sexual Offences, 2013/14. London: ONS.

Pollock, N.L., 1988. Sexual assault of older women. *Annals of Sex Research*, 1, pp.523-532.

Ramazanoglu, C., and Holland, J., 2002. *Feminist methodology: Challenges and choices*. London, England: Sage.

Ramin, S. M., Satin, A. J., Stone Jr, I. C., & Wendel Jr, G. D. 1992. Sexual assault in postmenopausal women. *Obstetrics & Gynecology*, 80(5), 860-864.

Ramsey-Klawnsnik, H., 1991. Elder sexual abuse: Preliminary findings. *Journal of Elder Abuse & Neglect*, 3, pp.73-90.

Ramsey-Klawnsnik, H., 2004. Elder sexual abuse within the family. *Journal of Elder Abuse and Neglect*, 15, pp.43-58.

Ramsey-Klawnsnik, H., Teaster, P., Mendiondo, M., Marcum, J., & Abner, E. 2008. Sexual predators who target elders: Findings from the first national study of sexual abuse in care facilities. *Journal of Elder Abuse & Neglect*, 20, pp.353-376.

Ramsey-Klawnsnik, H., Teaster, P.B., Mendiondo, M.S., Abner, E.L., Cecil, K.A., and Tooms, M.R., 2007. Sexual abuse of vulnerable adults in care facilities: Clinical findings and a research initiative. *Journal of the American Psychiatric Nurses Association*, 12, pp.332-339.

Reinharz, S., 1992. *Feminist Methods in Social Research*. Oxford: Oxford University Press.

Rennison, C. M., 2014. Feminist Theory in the Context of Sexual Violence. In *Encyclopedia of Criminology and Criminal Justice*. New York: Springer, pp. 1617-1627.

Römkens, R., 1997. Prevalence of Wife Abuse in the Netherlands Combining Quantitative and Qualitative Methods in Survey Research. *Journal of interpersonal violence*, 12(1), 99-125.

Sarantakos, S., 2012. *Social Research*, Third Edition. Palgrave: London.

Savage, A., and Hyde, R., 2014. Using freedom of information requests to facilitate research. *International Journal of Social Research Methodology*, 17(3), pp. 303-317.

Scully, D., 1990. *Understanding sexual violence: A study of convicted rapists*. Boston: Unwin Hyman.

Scriver, S., Mears, E., and Wallace, I., 2013. Older women and sexual violence: recognising and supporting survivors. *The Journal of Adult Protection*, 15(6), pp.301-316.

Shapiro, M., Setterlund, D., and Cragg, C., 2003. Capturing the complexity of women's experiences: A mixed- method approach to studying incontinence in older women. *Affilia*, 18(1), pp.21-33.

Skinner, T., Hester, M. and Malos, E., eds., 2005. *Researching gender violence*. Routledge.

Strid, S., Walby, S., and Armstrong, J., 2013. Intersectionality and multiple inequalities: Visibility in British policy on violence against women. *Social Politics: International Studies in Gender, State & Society*, 20(4), pp.558-581.

Taefi, N., 2009. The synthesis of age and gender: Intersectionality, international human rights law and the marginalisation of the girl-child. *The International Journal of Children's Rights*, 17(3), pp.345-376.

Thompson, G., 2010. *Domestic Violence Statistics, Home Office Library Standard Note*. London: Home Office.

Walby, K., and Larsen, M., 2012. Access to Information and Freedom of Information Requests Neglected Means of Data Production in the Social Sciences. *Qualitative Inquiry*, 18(1), pp.31-42.

Westmarland, N., and Alderson, S., 2013. The health, mental health, and well-being benefits of rape crisis counseling. *Journal of interpersonal violence*, 28(17), pp.3265-3282.

Westmarland, N., 2001. The quantitative/qualitative debate and feminist research: A subjective view of objectivity. *Qualitative Social Research*, 2(1).

Whittaker, T., 1995. Violence, gender and elder abuse: Towards a feminist analysis and practice. *Journal of Gender Studies*, 4(1), pp.35-45.

Wilson, J., 2011. Freedom of Information and Research Data. *Research Ethics*, 7(3), pp. 107-111.

World Health Organisation.2013. Violence against women: Intimate partner and sexual violence against women. Geneva, Switzerland: WHO.

Zink, T., Fisher, B., Regan, S. and Pabst, S., 2005. The prevalence and incidence of intimate partner violence in older women in primary care practices. *Journal of General Internal Medicine*, 20, pp. 884-8.